

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
GREAT FALLS DIVISION

ROYAL DOMINGO FLAGG,

Plaintiff,

vs.

LORETTA LYNCH,

Defendant.

CV 16-000118-GF-BMM-JTJ

FINDINGS AND RECOMMENDATIONS OF  
UNITED STATES MAGISTRATE JUDGE

Plaintiff Royal Flagg filed a Complaint pursuant to *Bivens v. Six Unknown Named Agents of Fed. Bureau of Narcotics*, 403 U.S. 388 (1971) alleging the former United State Attorney, in both her official and individual capacity, violated his due process rights and rights under the First Amendment of the United States Constitution. On June 8, 2017, the Court issued an Order finding that the Complaint failed to state a claim upon which relief may be granted and was subject to dismissal. Mr. Flagg was given an opportunity to file an amended complaint. (Doc. 5.)

The Local Rules for the District of Montana provide:

- (b) Dismissal Due to Failure to Notify. The Court may dismiss a complaint without prejudice or strike an answer when:
  - (1) a document directed to the attorney or self-represented party by the court has been returned to the court as not deliverable; and

- (2) the court fails to receive within 60 days of this return a written communication from the attorney or self-represented party indicating a current address for service.

L.R. 5.2(b). The Court's Order mailed to Mr. Flagg on June 8, 2017 was returned as undeliverable on July 5, 2017. (Doc. 6.) Within the 60-day period following that date, and as of the date of this recommendation, Mr. Flagg has not provided the Court with a written notice informing it of his change of address.

Therefore, IT IS HEREBY RECOMMENDED that this action be DISMISSED without prejudice pursuant to L.R. 5.2(b).

**NOTICE OF RIGHT TO OBJECT TO FINDINGS &  
RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT**

Mr. Flagg may file objections to these Findings and Recommendations within fourteen (14) days after service (mailing) hereof.<sup>1</sup> 28 U.S.C. § 636. Failure to timely file written objections may bar a de novo determination by the district judge and/or waive the right to appeal.

This order is not immediately appealable to the Ninth Circuit Court of Appeals. Any notice of appeal pursuant to Fed.R.App.P. 4(a), should not be filed

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<sup>1</sup>Rule 6(d) of the Federal Rules of Civil Procedure provides that “[w]hen a party may or must act within a specified time after being served and service is made under Rule 5(b)(2)(C) (mail) . . . 3 days are added after the period would otherwise expire under Rule 6(a).” Therefore, since Mr. Flagg is being served by mail, he is entitled an additional three (3) days after the period would otherwise expire.

until entry of the District Court's final judgment.

DATED this 20th day of September, 2017.

/s/ *John Johnston*  
John Johnston  
United States Magistrate Judge